IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1863 OF 2005
ALONGWITH
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Rajeev V. Sheth & Ors. ...Applicants

Versus

State of Maharashtra & Anr ...Respondents

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Mr. D.J. Khanavkar i/b M/s. Prakash & Co. Advocate for Applicants.

Ms. S.V. Gajare, A.P.P. for State in application No. 1863 of 2005,

Mr. Y.S. Shinde, A.P.P. for State in application No. 1864 of 2005.

Mr. Rajesh More, A.P.P. for State in application No. 1865 of 2005.

Mr. M.S. Mhambray, A.P.P. for State in application No. 1866 of 2005.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 11TH JULY, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of complaint Nos.11/SS of 2004, 70/SS of 2004, 190/SS of 2004 and 183/SS of 2004 which are pending in the

Court of learned Additional Chief Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai. In the said case, process has been issued against the applicants under Section 138 r.w. 141 of Negotiable Instruments Act. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the applicants is set aside, the proceedings in respect of the applicants would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of three weeks from today. In view of this statement, the trial Court shall not proceed with the

trial for a period of three weeks from today.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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